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FEB 21 2012

Federal Communications Commission
Office of the Secretary

February 21, 2012

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW,
Room TW-A325
Washington, DC 20554

Re: Compliance Plan of Cintex Wireless, LLC; WC Docket No.
09-197

Dear Ms. Dortch

Enclosed please find an original and four copies of Cintex Wireless, LLC's Compliance Plan. The plan is being filed to satisfy requirements set forth in *Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45; WC Docket No. 12-23 (rel. February 6, 2012).

Please date stamp the enclosed extra copy of this transmittal letter.

If you have any questions, please contact the undersigned at (301) 363-4306.

Regards,

A handwritten signature in black ink that reads "Robert Felgar".

Robert Felgar
General Counsel
Cintex Wireless, LLC

cc: Kimberly Scardino
Divya Shenoy

Enclosure

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General Counsel
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Divya Shenoy

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)	
)	
Telecommunications Carriers Eligible to)	WC Docket No. 09-197
Receive Universal Service Support)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Cintex Wireless, LLC)	
Compliance Plan)	

CINTEX WIRELESS, LLC'S
COMPLIANCE PLAN

Cintex Wireless, LLC ("Cintex") hereby files its Compliance Plan providing specific information regarding Cintex's service offerings and outlining the measures it will take to implement the obligations contained in the *Lifeline Modernization Order*.¹ Pursuant to the *Lifeline Modernization Order*, the Commission decided to forbear from applying the facilities requirement of section 214(e)(1)(A) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the "Act"), to telecommunications carriers seeking limited designation as a Lifeline-only eligible telecommunications carrier ("ETC"), subject to the

¹ *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45; WC Docket No. 12-23 (rel. February 6, 2012) ("*Lifeline Modernization Order*").

following conditions: (1) the carrier must comply with certain 911 requirements; and (2) the Commission must approve the telecommunication carrier's compliance plan.²

Further the Commission explained that neither state commissions nor the Commission may grant additional Lifeline-only ETC applications after December 29, 2011, until the Bureau approves the telecommunications carrier's compliance plan.³ ETCs, however, may continue to receive reimbursement for Lifeline service "pending approval of their compliance plans in the states in which they currently serve Lifeline subscribers."⁴ The instant Compliance Plan is intended to satisfy the Commission's requirement that Cintex file, and the Commission approve a compliance plan in order for the Commission to forbear from applying the facilities requirement of section 214(e)(1) of the Act with respect to Cintex.

I. CERTIFICATION OF LIFELINE APPLICANTS' ELIGIBILITY

A. Policy

Cintex will seek reimbursement for Lifeline service only for those consumers who qualify for Lifeline service pursuant to Commission rule 54.409, or who qualify under additional program or income criteria adopted by the states. In addition, Cintex will comply with the Commission's requirements for initial eligibility certification and annual eligibility re-certification.

² See *id.* at ¶ 368.

³ See *id.* at ¶ 380.

⁴ See *id.*

B. Initial Eligibility Certification Procedures

Cintex is committed to the integrity of the Lifeline program and will implement certification procedures consistent with Commission rule 54.410 to ensure that its subscribers qualify for Lifeline.

Marketing material. Cintex marketing material, including its website, will include detailed information regarding its Lifeline plans and eligibility criteria. Eligibility criteria will reflect those set forth in the *Lifeline Modernization Order*, and may also include eligibility criteria established by the states, if applicable. All Cintex employees who are involved in marketing and enrolling Lifeline subscribers in the Cintex Lifeline program, will undergo training regarding the eligibility criteria. In addition, all documentation, including marketing material, sales scripts, websites and applications, will reflect the eligibility criteria.

Application materials. Cintex application materials will include three separate components: First, a section where the applicant provides the following information:

- (i) date of birth;
- (ii) full residential address;
- (iii) whether the applicant's residential address is permanent or temporary;
- (iv) billing address, if different from the applicant's residential address;
- (v) date of birth;
- (vi) last four digits of the applicant's social security number or Tribal identification number, if applicant is a member of a Tribal nation and does not have a social security number;
- (vii) if the applicant seeks to qualify under program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits;
- (viii) if the applicant is seeking to qualify under the income-based criterion, the number of individuals in his or her household.

Second, a section where each applicant certifies under penalty of perjury, that:

- (i) the applicant meets the income-based or program-based eligibility criteria for receiving Lifeline;
- (ii) the applicant will notify Cintex within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the

applicant no longer meets the income-based or program-based eligibility criteria for receiving Lifeline support, the applicant is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit;

- (iii) if the applicant moves to a new address, he or she will provide the new address to Cintex within 30 days;
- (iv) if the applicant provided a temporary address to Cintex, he or she must verify his or her temporary residential address every 90 days;
- (v) the applicant's household will receive only one Lifeline service, and to the best of his or her knowledge, the applicant's household is not already receiving a Lifeline service;
- (vi) the information contained in the certification form is true and correct to the best of his or her knowledge;
- (vii) the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
- (viii) the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits.

Three, a section where Cintex provides applicants in language identical to, or substantially similar to, the language below, the following information:

- (i) Lifeline is a federal benefit, and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program;
- (ii) only one Lifeline service is available per household;
- (iii) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses;
- (iv) a household is not permitted to receive Lifeline benefits from more than one telephone provider;
- (v) a violation of the one-per-household limitation violates the law and will result in de-enrollment from the program; and
- (vi) you may not transfer your Lifeline service to another person. For example, you cannot sell or give your phone to anyone else.

Face-to-face sales. In the case of face-to-face sales, all Cintex representatives will be trained to assist Lifeline applicants determine whether they are eligible to participate in Lifeline. These persons will be trained to answer questions about Lifeline eligibility (e.g., what constitutes a "household") and in determining whether the applicants satisfy eligibility criteria, including

whether supporting documentation is sufficient. In instances where the representatives conclude that documentation is insufficient to establish eligibility (in cases where a state or federal database is not relied upon to establish eligibility), Cintex will reject the application and inform the consumer of the reason for the rejection. All documentation collected by Cintex representatives will be reviewed at Cintex headquarters to double check its validity.

In addition, for all face-to-face sales, Cintex representatives will verbally ask each applicant whether they or anyone else in their household currently receive Lifeline support from any other telephone provider. If the applicant answers in the affirmative, the applicant will not be eligible for the Cintex Lifeline offering. They will also explain to applicants that if they do not use their Lifeline service for a 60-day period, their service may be deactivated.

Eligibility database. Where available, Cintex will verify a subscriber's eligibility by accessing a federal or state database. If a database is not available, Cintex will require the consumer to provide documentation proving eligibility. Cintex will not provide Lifeline service or seek reimbursement from the Universal Service Administrative Company ("USAC") for ineligible applicants.

C. Annual Eligibility Re-Certification

Cintex will re-certify all subscribers enrolled in its Lifeline program on an annual basis. For 2012, Cintex will re-certify a subscriber's eligibility by accessing a federal or state database. If a database is not available, Cintex will obtain from the consumer a signed certification, consistent with Commission rule 54.410(d). For 2013, Cintex is likely to elect to have USAC administer the self-certification process on its behalf. Cintex will initiate a de-enrollment process for those subscribers that it or USAC is unable to re-certify. Pursuant to this process, Cintex will send subscribers a written notification of impending termination. Cintex will provide

subscribers 30 days following the date of the written notification in which to demonstrate ongoing eligibility for Lifeline.

Cintex will make applicants aware of the re-certification requirement (i) at the point of sale, (ii) on the application, and (iii) on its website. With respect to the point of sale, Cintex will train its representatives who perform face-to-face sales to make applicants aware of re-certification requirement. Cintex will also train its customer service representatives to inform persons of the re-certification requirement. With respect to the application, it will contain language in which the applicant certifies that the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits. Cintex will also inform applicants of the re-certification requirement, as well as the consequences of failing to re-certify, on its website.

If Cintex cannot verify addresses via a state or federal database, Cintex will contact each subscriber to obtain a valid address; Cintex will do so during the annual certification process. In the case of subscribers who have a temporary address, however, Cintex will verify such subscribers' residential address every 90 days, by primarily using text messages. Subscribers who fail to respond to such text messages within 30 days will be de-enrolled from Lifeline.

II. MEASURES TO PREVENT DUPLICATE LIFELINE BENEFITS

Cintex is committed to minimizing waste fraud and abuse in the Lifeline program. Accordingly, in order to prevent duplicate Lifeline benefits, Cintex will, consistent with Commission rule 54.404, query either the National Lifeline Accountability Database or a state database that has been approved by the Commission. Such queries will determine whether a subscriber, or someone else at his or her residential address, is currently receiving a Lifeline

benefit. If the applicant is already receiving a Lifeline benefit at that address, Cintex will not seek Lifeline benefits for that applicant unless and until the consumer de-enrolls from the ETC from whom they are receiving service. If another person at the applicant's residential address is currently receiving Lifeline supported service, Cintex will require the applicant to complete a USAC-provided document in order to demonstrate that the applicant and the current subscriber are part of separate households.

In order to minimize duplicate Lifeline benefits prior to when the federal or state databases become available, Cintex will implement **Three** measures.

First, each applicant will be required to certify under penalty of perjury that the subscriber's household will receive only one Lifeline benefit and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline benefit.

Second, in face-to-face sales, as well as during calls to Cintex customer service, Cintex representatives will ask the applicant the following: "Do you or anyone else in your household currently receive Lifeline support from any other telephone provider?" If the applicant answers "yes," he or she will not receive Lifeline service from Cintex.

In addition, all Cintex representatives who perform face-to-face sales will have computers on site and will verify whether the applicant, or anyone in the applicant's household, is currently receiving Lifeline benefits from Cintex. If the applicant is already receiving a Lifeline benefit at that address, Cintex will not seek an additional Lifeline benefit for that applicant. If another person at the applicant's residential address is currently receiving Lifeline supported service, Cintex will require the applicant to complete a USAC-provided document in order to demonstrate that the applicant and the current subscriber are part of separate households.

Third, in its marketing materials, Cintex will reinforce the limitation of one Lifeline phone per household. The following language will appear on the Cintex website and in marketing materials in bold and in an offsetting color to ensure that it is not overlooked:

Note: By law, the Lifeline program is only available for one phone per household.

III. COOPERATION WITH STATE AND FEDERAL REGULATORS

Cintex will cooperate with federal and state regulators to prevent waste fraud and abuse.

More specifically, Cintex will:

- Make available subscriber data to USAC in order to help it create the National Lifeline Accountability Database;
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing USAC and/or any state commission, upon request the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its subscribers already receives Lifeline service from another carrier; and
- Immediately de-enroll any subscriber whom Cintex knows is receiving Lifeline-supported service from another ETC or knows is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.
- Provide all necessary information, such as updated address information, to the National Lifeline Accountability Database, to help ensure the accuracy and effectiveness of the database.

IV. NON-USAGE REQUIREMENTS

If a subscriber fails to “use” a Cintex Lifeline plan for 60 consecutive days, Cintex will provide the subscriber 30 days’ written notice, using clear, easily understood language, that the subscriber’s failure to use the Lifeline service within a 30-day notice period will result in service termination for non-usage. A subscriber will be considered to have used the Lifeline service if he or she (i) completed an outbound call, (ii) purchased minutes from Cintex to add to the subscriber’s service plan, (iii) answered an incoming call from a party other than Cintex or Cintex’s agent or representative; or (iv) responded to direct contact from Cintex and confirms that he or she wants to continue receiving Lifeline service. If the subscriber uses the Lifeline service within 30 days of the Cintex notice, Cintex will not terminate the subscriber’s Lifeline service. To avoid waste, Cintex will not seek Lifeline support for subscribers who have not used the service for a consecutive 60-day period, unless the subscriber uses the service within 30 days of the carrier providing notice of de-enrollment.

Cintex will make subscribers aware of this usage requirement, and its impact on their Lifeline service, in marketing material, its website, its application, when subscribers call customer service for information on the Cintex Lifeline program and in face-to-face sales.

In addition, Cintex will not seek Lifeline support for a subscriber unless and until the subscriber activates the service and/or completes an outgoing call.

V. ACCESS TO 911 AND E911 SERVICES

Cintex will provide its Lifeline subscribers with access to 911 and E911 services inasmuch as these services have been deployed by its underlying carriers (Sprint and T-Mobile). Further, Cintex will transmit a Lifeline subscriber’s wireless 911 call, regardless of whether the subscriber has failed to satisfy the usage requirements and regardless of whether the account

associated with the handset has been terminated. Thus, Cintex will transmit 911 calls even if it is no longer providing Lifeline service to the subscriber.

Cintex will provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to its subscribers, noncompliant handsets.

VI. Cintex Service Offerings

Currently, Cintex offers each eligible applicant 90 free anytime local and long distance minutes per month. Any unused minutes roll over from month-to-month. Cintex does not charge a monthly recurring fee; the service is a strictly a pay-as-you-go service. In the event that a subscriber uses all of his or her minutes, the subscriber may purchase additional airtime minutes at unsubsidized rates.

Wireless handsets are provided to qualifying Lifeline customers free of charge. The service will include caller ID, call waiting, call forwarding, 3-way calling and voicemail.

Note, however, that as a result of the significant changes made to the Lifeline program in the *Lifeline Modernization Order*, as well as changes in market dynamics, Cintex reserves the right to modify its Lifeline offering.

Cintex submits that its Compliance Plan fully satisfies the requirements set forth in the *Lifeline Modernization Order*. Accordingly, Cintex respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,

CINTEX WIRELESS, LLC

By: Robert Felgar
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February 21, 2012